

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

LASHAWN SHARPE, *individually and on
behalf of all others similarly situated,*

Plaintiff,

- against -

A & W CONCENTRATE COMPANY *and*
KEURIG DR PEPPER INC.,

Defendants.

No. 1:19-cv-00768-BMC

**PLAINTIFF'S
LOCAL RULE 56.1 STATEMENT OF
UNDISPUTED MATERIAL FACTS**

Plaintiff Lashawn Sharpe (“Plaintiff”) respectfully submits this Statement of Undisputed Materials Facts in Support of Plaintiff’s Motion for Summary Judgment pursuant to Eastern District of New York Local Rule 56.1 and section III.B of the Individual Practices of the Honorable Brian M. Cogan.

STATEMENT OF UNDISPUTED MATERIAL FACTS

1. Defendants manufacture and sell A&W Root Beer.
2. The front of the label of Defendants’ A&W Root Beer states “Made With Aged Vanilla.”
3. The front of the label of Defendants’ A&W Root Beer does not state “Artificial Vanilla” or “Artificially Flavored Vanilla,” or “Vanilla Artificial Flavored.”
4. Defendants’ A&W Root Beer contains ethyl vanillin.
5. Ethyl vanillin is an artificial vanilla flavor.
6. Defendants manufacture and sell A&W Cream Soda.
7. The front of the label of Defendants’ A&W Cream Soda states “Made With Aged Vanilla.”
8. The front of the label of Defendants’ A&W Cream Soda does not state “Artificial Vanilla” or “Artificially Flavored Vanilla,” or “Vanilla Artificial Flavored.”

9. Defendants' A&W Cream Soda contains ethyl vanillin.

10. Ethyl vanillin is an artificial vanilla flavor.

Respectfully submitted,

Dated: December 23, 2019

REESE LLP

By: /s/ Michael R. Reese

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